



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION

445 12th Street, S.W.

WASHINGTON, D.C. 20554

**DA 99-1013**

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: <http://www.fcc.gov> <ftp.fcc.gov>

## CABLE SERVICES BUREAU ACTION

**May 27, 1999**

### BLACK ROCK CABLE, INC. FILES NOTICE OF INTENT

On May 21, 1999, the Cable Services Bureau received a Notice of Intent to Establish an Open Video System filed by Black Rock Cable, Inc. ("Black Rock"). Attached to this Public Notice is a copy of the Notice of Intent filed by Black Rock. The Notice of Intent is also available on the Commission's Internet site at: <http://www.fcc.gov/csb/ovs/csovsnoi.html>.

Media Contact:

Cable Services Bureau Contact:

TTY:

Morgan Broman at (202) 418-2358

Sunil Daluvoy (202) 418-1032

(202) 418-7172

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# Open Video System Notice of Intent

Attention:  
Cable Services  
Bureau

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20054**

**In the Matter of**

**Black Rock Cable**

**d/b/a Black Rock Cable, Inc.**

**Notice of Intent to Establish  
an Open Video System**

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**File No. \_\_\_\_\_**

**NOTICE OF INTENT  
TO ESTABLISH AN OPEN VIDEO SYSTEM**

Black Rock Cable d/b/a Black Rock Cable, Inc. (Black Rock), pursuant to the Telecommunications Act of 1996 and Section 76.1503 (b) (1) of the Commission's Rules, hereby submits its Notice of Intent to establish an open video system (OVS). As required by Section 76.1503 (b) (1), Black Rock respectfully submits the following information:

**NAME AND ADDRESS**

The OVS operator is Black Rock Cable, Inc. The contact person for the operator, Mr. John J. Kehres, is located at 2544 Mt. Baker Hwy, Bellingham, Washington 98226. Mr. Kehres may be reached at (360) 734-7930. MAK1997100@AOL.COM

## **SERVICE AREA**

Black Rock's projected service area is currently limited to the city limits of Bellingham, Washington, population of about 70,000. Black Rock has obtained an OVS franchise from the City that fully confirms the reduced regulatory intent of Congress. Additionally, Black Rock has obtained OVS certification for Whatcom, Skagit and Snohomish counties and all of the municipalities along the I-5 corridor within those counties but has not yet requested access to the rights-of-way.

## **CHANNEL CAPACITY**

Although Black Rock's Form 1275 indicated an anticipated 60 analog channels and 100Mhz of digital capacity and our initial concept is to construct a two-way hybrid fiber coax network, Black Rock's intent is to work with prospective Video Programming Providers ("VPP's"), to develop specific distribution architectures and bandwidths that will satisfy their needs. Black Rock intends to interpret the meaning of VPP's broadly to include bundled service providers, cable television providers, data service providers, telephony providers and other service providers. Based upon interest, Black Rock may opt to allocate all of the bandwidth to one or more unaffiliated VPP's and only provide construction services and plant maintenance. In any event, the selected solution will satisfy VPP's requests and comply with all OVS rules and regulations.

## **CARRIAGE APPLICATION**

VPP's interested in carriage on Black Rock's open video system may obtain additional information about the system by completing the OVS Information Request Form (Attachment 1) and submitting it to:

John Kehres  
2544 Mt. Baker Hwy.  
Bellingham, WA 98226  
(360) 734-7930

Pursuant to 47 C.F.R. § 76.1503 (b) (2) of the FCC's rules, within five business days of receipt of a request for information, Black Rock will provide the VPP with additional information regarding carriage on the open video system.

## **ENROLLMENT PERIOD**

The enrollment period for VPP's seeking carriage on Black Rock's open video system will commence on May 24, 1999 and will conclude August 31, 1999.

## **ALLOCATION OF CAPACITY**

For the purposes of bandwidth allocation, Black Rock will establish three classes of VPP's, 1) bundled service providers, 2) cable, data or telephony service providers and 3) other service providers. Initial qualification will require that the VPP's meet financial, legal and technical requirements. If the VPP meets those requirements, access to capacity will be based upon a bidding process if necessary.

## CERTIFICATION AND NOTIFICATION REQUIREMENTS

Attached is a certification that Black Rock has complied with all relevant notification requirements under the FCC's open video system regulations concerning must-carry and retransmission consent (47 C.F.R. §76.1506), including a list of all the local commercial and non-commercial television stations served (Attachment 2). Also attached is a certificate of service showing that Black Rock's Notice of Intent has been served on all local franchising authorities which are located within Black Rock's anticipated OVS service area (Attachment 3).

Respectfully submitted,

Black Rock Cable, Inc.



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John J. Kehres  
2544 Mt. Baker Hwy.  
Bellingham, WA 98226  
(360) 734-7930

Dated: May 24, 1999

**Attachment 1**

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**BLACK ROCK CABLE, INC.  
OPEN VIDEO SYSTEM  
INFORMATION REQUEST FORM**

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**Section I: Video Programming Provider Information**

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Name of Company: \_\_\_\_\_

Name of Contact: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Facsimile: \_\_\_\_\_

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**Section II: Carriage Information**

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VPP TYPE	BANDWIDTH REQUIREMENTS	
	Downstream	Upstream
Bundled Services Provider	_____	_____
Cable, Telephony or Data Provider (circle one)	_____	_____
Other Service Provider	_____	_____

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**Section III: Certification and Non-Disclosure Statement**

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The undersigned potential video programming provider ("VPP") represents to Black Rock Cable d/b/a Black Rock Cable, Inc. ("Black Rock Cable") the open video system operator, that it has no formal or informal affiliation (as defined by 47 C.F.R. § 76.1500(g) of the FCC's rules) or agreement with any other VPP requesting capacity or with any cable operator providing cable television services within Black Rock's open video system service area, and that the capacity requested will only be used for the commercial operation of a cable, data and/or telephony service. The VPP and its affiliates agree not to disclose to any other party the information provided by Black Rock Cable in response to this request, except for information that is in the public domain and except as provided in 47 C.F.R. § 76.1513(j) of the FCC's rules, and that they will not use the information for any purpose whatsoever other than making an informed decision as to whether to enroll in Black Rock's open video system and the subsequent activation of such enrollment, if any.

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Signature	Name	Title	Date
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## Attachment 2

### CERTIFICATION

I, John Kehres, hereby certify that on this 19th day of May, 1999, I caused must-carry/retransmission consent election notifications to be sent by first class mail to all General Managers of the commercial and noncommercial television stations, listed below, operating within Black Rock Cable, Inc.'s open video system television market.

KSTW  
2033 6th  
Seattle, WA 98121-2506

KCTS  
401 Mercer St.  
Seattle, WA 98109-4640

KSTW  
2320 S. 19th  
Tacoma, WA 98405-2946

KVOS  
1151 Ellis St.  
Bellingham, WA 98225-5203

KING  
333 Dexter N  
Seattle, WA 98109-5107

KTBW  
1909 S 341st Pl.  
Federal Way, WA 98003-6860

KWPX  
701 5th Suite 4370  
Seattle, WA 98104-7016

KIRO  
2807 3rd Ave.  
Seattle, WA 98121-1242

KTZZ  
945 Dexter N  
Seattle, WA 98109-3515

KBTC  
1101 S. Yakima Ave.  
Tacoma, WA 98405

KOMO  
100 Fourth Ave. N  
Seattle, WA 98109-4932

KBCB  
4164 Meridian St.  
Bellingham, WA 98226

KCPQ  
820 A St. Suite 560  
Tacoma, WA 98402-5212

KONG  
333 Dexter N  
Seattle, WA 98109-5107



John Kehres, President  
Black Rock Cable, Inc.



**Attachment 3**

**CERTIFICATE OF SERVICE**

I, John Kehres, hereby certify that on this 19th day of May, 1999, a copy of the foregoing Black Rock Cable, Inc. Notice of Intent to Operate an Open Video System in Bellingham, Washington was served via hand delivery on the party listed below.

Mr. Mark Asmundson, Mayor  
The City of Bellingham  
210 Lottie St.  
Bellingham, WA 98225

A handwritten signature in black ink, appearing to be 'J. Kehres', written over a horizontal line.

John Kehres, President  
Black Rock Cable, Inc.